

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CIV 5984

GIORGIO GORI USA, INC.,

Plaintiff,

-against-

M/V "MAERSK MESSOLOGI", her engines,
boilers, etc. and
A.P. MOLLER-MAERSK A/S d/b/a
MAERSK LINE,

Defendant.

JUL 01 2008
08 CV

VERIFIED COMPLAINT

1. This is a case of contract, cargo damage and non-delivery of cargo, civil and maritime and is an admiralty and maritime claim within the meaning of the Rule 9(h). Plaintiff invokes the maritime procedures specified in Rule 9(h).
2. Plaintiff, GIORGIO GORI USA, INC., is a legal entity organized under the law, with an office located at 80 River Street, Hoboken, New Jersey 07030. Defendant, A.P. MOLLER-MAERSK A/S d/b/a MAERSK LINE, is a legal entity organized under the law, with an agent, MAERSK, INC., located at 2 Giralda Farms, Madison, New Jersey 07940.
3. During all times herein mentioned, defendant was the owner and/or operator of the M/V "MAERSK MESSOLOGI" and operated it in the common carriage of goods by water for hire between Le Havre and Oakland.
4. The M/V "MAERSK MESSOLOGI" is now or during the pendency of this action will be, within this District.

5. On or about December 18,, 2007, Med America delivered a shipment of 586 ctns still wine to defendant, as a common carrier at the port of Le Havre in good condition, for transportation on board the M/V "MAERSK MESSOLOGI" to Oakland, in consideration of an agreed freight and pursuant to the valid terms and conditions of a clean on-board bill of lading issued by defendant and the M/V "MAERSK MESSOLOGI".
6. Defendant caused said goods, still in good order and condition to be laden on board the M/V "MAERSK MESSOLOGI". On or about January 12, 2007, the M/V "MAERSK MESSOLOGI" arrived at the port of Oakland and delivered said shipment in a short, slack and damaged condition.
7. Prior to January 12, 2007, plaintiff became for value the owner of said shipment and the owner and holder of said clean on-board bill of lading and brings this suit on its own behalf and that of all others interested in said shipment.
8. All conditions precedent required of plaintiff and of all others interested in said shipment have been performed.
9. By reason of the premises, plaintiff and those on whose behalf this suit is brought have sustained damages in the sum of \$25,000.00, as nearly as the same can now be estimated, no part of which has been paid although duly demanded.

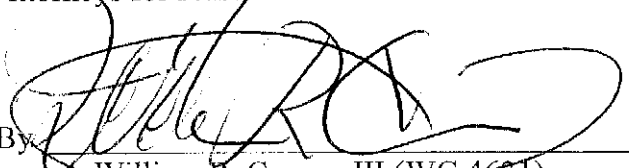
WHEREFORE, plaintiff prays:

1. That the M/V "MAERSK MESSOLOGI" be arrested;
2. That process issue against defendant A.P. MOLLER-MAERSK A/S d/b/a MAERSK LINE and that defendant be cited to appear and answer the allegations of the complaint;

3. That an interlocutory judgment be entered in favor of the plaintiff against the M/V "MAERSK MESSOLOGI", against defendants directing that the plaintiff recover its damages and that the M/V "MAERSK MESSOLOGI", be condemned and sold and the proceeds of sale be applied to the payment to plaintiff of the sums found due it;
4. That the amount due plaintiff be computed by further proceedings before a Magistrate, pursuant to Rule 53(b) and/or by further proceedings before the Court, pursuant to Rule 42(b);
5. That final judgment against defendant and the M/V "MAERSK MESSOLOGI", be entered in favor of the plaintiff for the amount found due plaintiff with interest and with costs; and
6. That plaintiff have such other and further relief as may be just.

Dated: New York, New York
June 27, 2008

DERMOTT & RADZIK, LLP
Attorneys for Plaintiff

By 
William R. Connor III (WC 4631)

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88 Pine Street
New York, New York 10005
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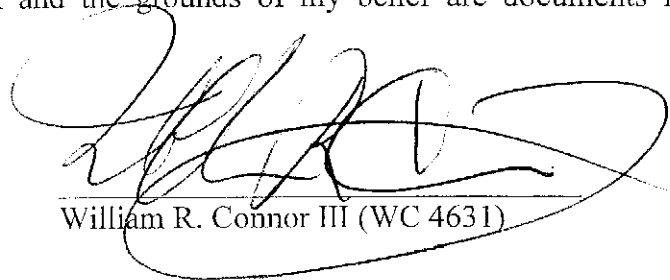
STATE OF NEW YORK)
 : S.S.
COUNTY OF NEW YORK)

WILLIAM R. CONNOR III, being duly sworn, deposes and says:

I am a member of the firm of McDermott & Radzik, L.L.P. attorneys for the Plaintiff in this action.

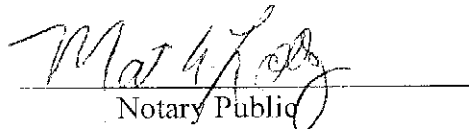
I have read the foregoing Verified Complaint, know the contents thereof, and the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are documents in the possession of my firm.



William R. Connor III (WC 4631)

Sworn to before me this
30th day of June, 2008



Notary Public

MATTHEW T. LOESBERG
Notary Public, State of New York
No. 02LO6051626
Qualified in New York County
Commission Expires 12-01-2010